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EXAMINER

BUI, KIEU OANH T

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| ART UNIT | PAPER NUMBER |
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2611

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DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

dl.R.

Office Action Summary

Application No.

09/687,140

Applicant(s)

SIE ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2&3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 03/06/02 was filed after the mailing date of the application 09/687,140 on 10/10/00. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al (US Patent 5,734,853) in view of Hendricks et al. (US Patent 6,463,585 B1).

Regarding claim 1, Hendricks '853 discloses "a method for distributing programming," (Fig. 1, and col. 6/lines 20-48 for a cable delivering system offers to distribute programming) the method comprising:

"transmitting a first set of program segments according to a schedule of programming," [i.e., a first set of program segments transmitting from the headend according to a schedule of programming can be selected by a main menu and then a submenu displaying to a user (see Figs. 22a & 22b, the user can select one program "Discovery channel choice" from a plurality of available programs in Figure 22a, and in Fig. 22b as a program segment of "War birds", not an

entire program, can be displaying as a preview to the user with its schedule programming time at 8:30PM, see col. 38/line 36 to col. 39/line 8 for an option to preview a portion of the program; Fig. 12e and col. 31/lines 30-45 for a preview technique addressed));

“storing a second set of program segments on a server, at least one of the first set of program segments having a counterpart in the second set of program segments”, [i.e., the corresponding program related to the first program segment (regarding as “a counterpart”) which stored on a server will be displaying to the user as the user has an option to order that program or having more information such as advertising or related information about that program segment (col. 39/lines 9-24), and this information is stored within network controller 214 (regarding as a server) within the cable headend 208 for local programming and local advertisements (Fig. 3, col. 10/lines 5-15) and then transmitted by the program control information signal to the storage at the set top terminal (col. 14/lines 47-64 for a sample of video clip for advertisement for the program or any other program, menu or product information can be sent and stored in the set top terminal, col. 14/line 65 to col. 15/line 38)];

“maintaining user authorizations to program segments on the server; wherein the user authorizations include: detecting a request from the user for program control of the particular program segment; and determining whether to grant program control over the particular program segment to the user in accordance with the user authorizations”, (i.e., the server 208 includes a network controller 214 for monitoring and detecting the user requests as keeping track of records in authorization or granting program control over the particular program segments on the server or storage of the headend for billing purposes , see col. 10/line 23 to col. 11/line 9).

Hendricks '853 does not further disclose the step of "wherein the user authorizations include: a record of the number of times a user has previously been given program control over a particular program segment from the server; and a limit on the number of times the user is authorized to have program control over the particular program segment from the server"; however, the technique of keeping track of viewer's activities in system accessing and granting a number of times that the user is authorized to access a particular program segment is taught by Hendricks '585. In a same environment of providing interactive program services to users, Hendricks '585 further expands the concept of using the viewer profile with viewer's detail demographics together with viewer's log file in keeping track of the viewer's activities such as number of accessing times during a given day(s) (see Hendricks 585, col. 44/line 7 to col. 45/line 46 and col. 47/lines 33-60), and the system can control or limit a number of times that the viewer is authorized to access a program using static services, program services, interactive services or mini pays (col. 49/lines 11-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the two techniques of Hendricks as disclosed in order to obtain a same technique for "maintaining user authorizations to program segments on the server; and detecting a request from the user for program control of the particular program segment; and determining whether to grant program control over the particular program segment to the user in accordance with the user authorizations" as cited. The motivation for doing this is to maximize the system control over the viewer's activities and provides appropriate promotion video to right consumers and still keeping cost down in providing large quantities of programming nowadays (see Hendricks '585, col. 2/line 51 to col. 3/line 18).

As for claim 2, in view of claim 1, the combination of Hendricks '853 and Hendricks '585 teaches "wherein the number of times a user has previously been given program control over a particular program segment from the server and the number of times the user is authorized to have program control over the particular program segment from the server are determined *according to access of the particular program segment from the server*", [i.e., as discussed in claim 1, Hendricks '853 discloses the viewer can access to a particular program segment from the server, and Hendricks '585 focuses on the concept that the viewer can previously being granting access and is authorized *to access* for a number of times to that particular program segment or service from the server or database, are determined by the system server (Hendricks 585, col. 45/lines 7-56 & col. 49/lines 49-65 for types of services and number of authorized times for the access service)].

As for claim 3, in view of claim 1, the combination of Hendricks '853 and Hendricks '585 teaches "wherein the number of times a user has previously been given program control over a particular program segment from the server and the number of times the user is authorized to have program control over the particular program segment from the server are determined *according to viewing of the particular program segment from the server*", [i.e., as discussed in claim 1, Hendricks '853 discloses the viewer can access to a particular program segment from the server, and Hendricks '585 focuses on the concept that the viewer can previously being granting access and is authorized *to view or watch* for a number of times to that particular program segment or service from the server or database, are determined by the system server (Hendricks 585, col. 45/lines 7-56 & col. 49/lines 49-65 for types of services and number of authorized times for the viewing service)].

As for claim 4, in view of claim 1, the combination of Hendricks '853 and Hendricks '585 teaches "wherein the limit on the number of times the user is authorized to have program control over the particular program segment from the server is *determined individually for the particular program segment*", i.e., a pay-per-view can be individually ordered after a preview as a same technique of granting program control individually over the particular program segment from the server (Hendricks '585, col. 49/lines 29-34).

As for claim 5, in view of claim 1, the combination of Hendricks '853 and Hendricks '585 teaches "wherein the limit on the number of times the user is authorized to have program control over the particular program segment from the server is determined *according to a categorization of the particular program segment within a group of program segments*", [i.e., as discussed in claim 1, Hendricks '853 discloses the viewer can access to a particular program segment from the server, and Hendricks '585 teaches that the program category is used for categorizing the particular program within a group of programs (Hendricks 585, as illustrated in Figs. 14-15, and col. 29/lines 5-32 and col. 31-33/Tables D & E & F for group assignment matrix based on categories)].

As for claim 6, in view of claim 1, the combination of Hendricks '853 and Hendricks '585 teaches "wherein the limit on the number of times the user is authorized to have program control over the particular program segment from the server is *equal to the number of times the particular program segment is transmitted according to the schedule of programming*", [i.e., as discussed in claim 1, Hendricks '853 discloses the viewer can access to a particular program segment from the server, and Hendricks '585 teaches that static program service is scheduled to

allow viewer to access/view repetitively according to the programming schedule (col. 49/lines 18-21)].

As for claim 7, in view of claim 1, the combination of Hendricks '853 and Hendricks '585 teaches "wherein the limit on the number of times the user is authorized to have program control over the particular program segment from the *server is sufficiently large that the user is substantially authorized to have unlimited access to the particular program segment from the server*", [i.e., as discussed in claim 1, Hendricks '853 discloses the viewer can access to a particular program segment from the server, and Hendricks '585 teaches that program services (or minipay service) allows the viewer to access/view unlimitedly or freely to the particular program during a specified time period (col. 49/lines 35-65)].

As for claim 8, in view of claim 1, the combination of Hendricks '853 and Hendricks '585 teaches "further comprising providing *a plurality of program-control schemes for selection by the user*, wherein maintaining the user authorizations to program segments on a server comprises establishing the limit on the number of times the user is authorized to have program control over the particular program segment from the server *in accordance with a program-control scheme selected by the user*", [i.e., Hendricks '853 discloses the viewer can access to a particular program segment from the server (as in claim 1, and furthermore, see col. 13/line 13 to col. 14/line 10 for menu-driven selection, comprising a plurality of program-control schemes, selected by the user, and col. 17/lines 1-13 for program-control scheme can be selected by the user), and Hendricks '585 teaches that the user or subscriber can select or choose to order the service himself/herself (see col. 49/lines 23-34 for interactive service or program services)].

As for claim 9, in view of claim 8, Hendricks '853 further discloses: "comprising changing the program-control scheme selected by the user", (i.e., the user can change the program-control scheme if desired, see Hendricks '853, col. 17/lines 1-22 as the user can change a new menu format which also affecting and changing the program-control scheme).

As for claim 10, in view of claim 8, the combination of Hendricks '853 and Hendricks '585 teaches "wherein determining whether to grant program control over the particular program segment to the user further comprises detecting a request from the user to change the program-control scheme selected by the user in exchange for authorization by the user to pay for such change, and wherein maintaining the user authorizations to program segments on the server comprises changing the limit on the number of times the user is authorized to have program control over the particular program segment from the server in accordance with the changed program-control scheme", [i.e., Hendricks '853 discloses the viewer can access to a particular program segment from the server (as in claim 1, and furthermore, see col. 13/line 13 to col. 14/line 10 for menu-driven selection by the user, and col. 17/lines 1-13 for program-control scheme can be selected by the user), and Hendricks '585 teaches that the user requests are detected and granted a number of times as a limit for authorization accesses according to the changed program-control scheme (Hendricks 585, col. 22/line 36 to col. 23/line 30 as the user uses a remote control for cursor movement and selection of menu selection, which affecting and changing the menu selection if desired)].

As for claim 11, in view of claim 1, the combination of Hendricks '853 and Hendricks '585 teaches "wherein, if the number of times the user has previously been given program control over a particular program segment from the server is greater than or equal to the limit on the number times the user is authorized to have program control over the particular program segment from the server, *determining whether to grant program control over the particular program segment to the user comprises transmitting a menu of options*", [i.e., as discussed in claim 1, Hendricks '853 discloses the viewer can access to a particular program segment from the server, and Hendricks '585 teaches that if pre-granted number of access times for a service is greater or equal to the limit on number of times the user can have program control over the particular program, for instance, a minipay service allows unlimited accesses during a certain time for a program (col. 49/lines 35-65) while a pay-per-view service is limited to a number of times within three hours or two days (col. 49/lines 29-34), the system can also grant program control over the program including transmitting a menu of options (col. 17/lines 9-53 for menu options addressed)].

As for claim 12, in view of claim 11, the combination of Hendricks '853 and Hendricks '585 teaches "wherein determining whether to grant program control over the particular program segment to the user further comprises *detecting a request from the user to grant program control of the particular program segment in exchange for authorization by the user to pay individually for such program control*", [i.e., as discussed in claim 1, Hendricks '853 discloses the viewer can access to a particular program segment from the server, and Hendricks '585 teaches that a pay-per-view service can be individually ordered (to pay individually, including the detection of the user selecting that order) after a preview as a same technique of granting program control

individually over the particular program segment from the server (Hendricks '585, col. 49/lines 29-34)].

As for claim 13, in view of claim 11, “wherein determining whether to grant program control over the particular program segment to the user further comprises detecting a request from the user *to adjust the limit on the number of times the user is authorized to have program control over the particular program segment from the server in exchange for authorization by the user to pay for such adjustment*, and wherein maintaining the user authorizations to program segments on the server *comprises adjusting the limit on the number of times the user is authorized to have program control over the particular program segment from the server*”, [i.e., as discussed in claim 1, Hendricks '853 discloses the viewer can access to a particular program segment from the server, and Hendricks '585 teaches that based on menu-driven selection detection (col. 16/line 55 to col. 17/line 53), the system can adjust accordingly the change and billing (col. 45/lines 10-56 for keeping track of a log of user activities & col. 47/lines 5-67), interactive service including a pay per view or program service and others can be provided accordingly to the subscriber (col. 49/line 10 to col. 50/line 26)].

As for claim 14, in view of claim 1, Hendricks '853 discloses “wherein the particular program segment comprises one of a video program and an audio program”, [i.e., video program and audio program either in the form of analog or digital signals are provided from external sources via the operations center to the viewer (col. 7/line 60 to col. 8/line 20)].

Regarding claim 15, Hendricks '853 discloses “a method for distributing programming” (Fig. 1, and col. 6/lines 20-48 for a cable delivering system offers to distribute programming), the method comprising:

“transmitting a first set of program segments according to a schedule of programming”, [i.e., a first set of program segments transmitting from the headend according to a schedule of programming can be selected by a main menu and then a submenu displaying to a user (see Figs. 22a & 22b, the user can select one program “Discovery channel choice” from a plurality of available programs in Figure 22a, and in Fig. 22b as a program segment of “War birds”, not an entire program, can be displaying as a preview to the user with its schedule programming time at 8:30PM, see col. 38/line 36 to col. 39/line 8 for an option to preview a portion of the program; Fig. 12e and col. 31/lines 30-45 for a preview technique addressed)];

“storing a second set of program segments on a server, at least one of the first set of program segments having a counterpart in the second set of program segments”, [i.e., the corresponding program related to the first program segment (regarding as “a counterpart”) which stored on a server will be displaying to the user as the user has an option to order that program or having more information such as advertising or related information about that program segment (col. 39/lines 9-24), and this information is stored within network controller 214 (regarding as a server) within the cable headend 208 for local programming and local advertisements (Fig. 3, col. 10/lines 5-15) and then transmitted by the program control information signal to the storage at the set top terminal (col. 14/lines 47-64 for a sample of video clip for advertisement for the program or any other program, menu or product information can be sent and stored in the set top terminal, col. 14/line 65 to col. 15/line 38)]; and

“detecting a request from the user for program control of a particular program segment” (see col. 13/line 13 to col. 14/line 10 for menu-driven selection by the user, and col. 17/lines 1-13 for program-control scheme can be selected by the user).

Hendricks '853 does not disclose the further steps of "recording the number of times a user has previously been given program control over program segments from the server and a limit on the number times the user is authorized to have program control over program segments from the server" and "determining whether to grant program control over the particular program segment by comparing the number of times the user has previously been given program control over program segments from the server and the limit on the number of times the user is authorized to have program control over program segments from the server".

However, the technique of recording or keeping track of viewer's activities in system accessing and granting a number of times that the user is authorized to access a particular program segment against a particular program with a limit number of accesses is taught by Hendricks '585 (see discussing below). In a same environment of providing interactive program services to users, Hendricks '585 further expands the concept of using the viewer profile with viewer's detail demographics together with viewer's log file in recording or keeping track of the viewer's activities such as number of accessing times during a given day(s) (see Hendricks 585, col. 44/line 7 to col. 45/line 46 and col. 47/lines 33-60), and the system can control or limit a number of times that the viewer is authorized to access a (scheduled with number of times for accessing) program using static services, program services, interactive services or mini pays, for example, a pay-per view service is limited to a three hour or a two-day session and the subscriber limits to a number of time to access, and for a live event, only one access (understood) is to be granted (col. 49/lines 11-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the two techniques of Hendricks as disclosed in order to obtain a same technique for “recording the number of times a user has previously been given program control over program segments from the server and a limit on the number times the user is authorized to have program control over program segments from the server and determining whether to grant program control over the particular program segment by comparing the number of times the user has previously been given program control over program segments from the server and the limit on the number of times the user is authorized to have program control over program segments from the server” as cited. The motivation for doing this is to maximize the system control over the viewer’s activities, number of times for access, and provides appropriate promotion video to right consumers and still keeping cost down in providing large quantities of programming nowadays (see Hendricks ‘585, col. 2/line 51 to col. 3/line 18).

As for claim 16, in view of claim 15, the combination of Hendricks ‘853 and Hendricks ‘585 teaches “wherein the number of times a user has previously been given program control over program segments from the server and the number of times the user is authorized to have program control over program segments from the server are determined *according to access of program segments from the server*”, [i.e., as discussed in claim 1, Hendricks ‘853 discloses the viewer can access to a particular program segment from the server, and Hendricks ‘585 focuses on the concept that the viewer can previously being granting access and is authorized *to access* for a number of times to that particular program segment or service from the server or database, are determined by the system server (Hendricks 585, col. 45/lines 7-56 & col. 49/lines 49-65 for types of services and number of authorized times for the access service)].

As for claim 17, in view of claim 15, the combination of Hendricks '853 and Hendricks '585 teaches "wherein the number of times a user has previously been given program control over program segments from the server and the number of times the user is authorized to have program control over program segments from the server are determined *according to viewing of program segments from the server*", [i.e., as discussed in claim 1, Hendricks '853 discloses the viewer can access to a particular program segment from the server, and Hendricks '585 focuses on the concept that the viewer can previously being granting access and is authorized *to view or watch* for a number of times to that particular program segment or service from the server or database, are determined by the system server (Hendricks 585, col. 45/lines 7-56 & col. 49/lines 49-65 for types of services and number of authorized times for the viewing service)].

As for claim 18, in view of claim 15, the combination of Hendricks '853 and Hendricks '585 further teaches "comprising *providing a plurality of program-control schemes for selection by the user*, wherein the limit on the number of times the user is authorized to have program control over program segments from the server *is established in accordance with a program-control scheme selected by the user*", [i.e., Hendricks '853 discloses the viewer can access to a particular program segment from the server (as in claim 1, and furthermore, see col. 13/line 13 to col. 14/line 10 for menu-driven selection, comprising a plurality of program-control schemes, selected by the user, and col. 17/lines 1-13 for program-control scheme can be selected by the user), and Hendricks '585 teaches that the user or subscriber can select or choose to order the service himself/herself (see col. 49/lines 23-34 for interactive service or program services)].

As for claim 19, in view of claim 18, Hendricks '853 further discloses: "comprising changing the program-control scheme selected by the user", (i.e., the user can change the program-control scheme if desired, see Hendricks '853, col. 17/lines 1-22 as the user can change a new menu format which also affecting and changing the program-control scheme).

As for claim 20, in view of claim 15, Hendricks '853 further discloses "wherein the particular program segment comprises one of a video program and an audio program", (i.e., video program and audio program either in the form of analog or digital signals are provided from external sources via the operations center to the viewer, see col. 7/line 60 to col. 8/line 20).

Regarding claim 21, Hendricks '853 discloses "a system for distributing programming" (Fig. 1, and col. 6/lines 20-48 for a cable delivering system offers to distribute programming), the system comprising:

"a transmitter configured to transmit a first set of program segments according to a program schedule", [i.e., a first set of program segments transmitting from the headend regarding as a transmitter (Fig. 1/item 208) according to a schedule of programming can be selected by a main menu and then a submenu displaying to a user (see Figs. 22a & 22b, the user can select one program "Discovery channel choice" from a plurality of available programs in Figure 22a, and in Fig. 22b as a program segment of "War birds", not an entire program, can be displaying as a preview to the user with its schedule programming time at 9:30PM, see col. 38/line 36 to col. 39/line 8 for an option to preview a portion of the program; Fig. 12e and col. 31/lines 30-45 for a preview technique addressed)];

“a server configured to store a second set of program segments, at least one of the first set of program segments having a counterpart in the second set of program segments”, [i.e., the corresponding program related to the first program segment (regarding as “a counterpart”) which stored on a server will be displaying to the user as the user has an option to order that program or having more information such as advertising or related information about that program segment (col. 39/lines 9-24), and this information is stored within network controller 214 (regarding as a server) of the cable headend 208 for local programming and local advertisements (Fig. 3, col. 10/lines 5-15) and then transmitted by the program control information signal to the storage at the set top terminal, which also can be regarded as a local server (col. 14/lines 47-64 for a sample of video clip for advertisement for the program or any other program, menu or product information can be sent and stored in the set top terminal, col. 14/line 65 to col. 15/line 38)]; and

“a detector configured to detect a request from the user for program control of the particular program segment”, [i.e., a remote control interface 626 (Fig. 5b) serves as a detector in detecting a request from the user for program control of the particular program segment (see col. 13/line 13 to col. 14/line 10 for menu-driven selection by the user, and col. 17/lines 1-13 for program-control scheme can be selected by the user)]; and

“a controller in communication with the transmitter, the server, the record of user authorizations, and the detector, the controller being configured to operate the transmitter, the server, and the detector to provide program control of the particular program segment to the user in accordance with the user authorizations”, [i.e., the operations center 202 serves as a main controller in controlling and operating the entire operation for delivering interactive services to the user (Fig. 1, and col. 7/line 60 to col. 9/line 38 for details on the operations center)].

Hendricks '853 discloses "a record of user authorizations to program segments on the server" (col. 17/lines 24-38 for user activities recording at a local server), yet Hendricks '853 does not further provide "wherein the record of user authorizations includes: the number of times a user has previously been given program control over a particular program segment from the server; and a limit on the number of times the user is authorized to have program control over the particular program segment from the server" as cited.

However, the technique of recording or keeping track of viewer's activities in system accessing and granting a number of times that the user is authorized to access a particular program segment against a particular program with a limit number of accesses is taught by Hendricks '585. In a same environment of providing interactive program services to users, Hendricks '585 further expands the concept of using the viewer profile with viewer's detail demographics together with viewer's log file in recording or keeping track of the viewer's activities such as number of accessing times during a given day(s) (see Hendricks 585, col. 44/line 7 to col. 45/line 46 and col. 47/lines 33-60), and the system can control or limit a number of times that the viewer is authorized to access a (scheduled with number of times for accessing) program using static services, program services, interactive services or mini pays, for example, a pay-per view service is limited to a three hour or a two-day session and the subscriber limits to a number of time to access, and for a live event, only one access (understood) is to be granted (col. 49/lines 11-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the two techniques of Hendricks as disclosed in order to obtain a same technique for “recording the number of times a user has previously been given program control over program segments from the server and a limit on the number times the user is authorized to have program control over program segments from the server and determining whether to grant program control over the particular program segment by comparing the number of times the user has previously been given program control over program segments from the server and the limit on the number of times the user is authorized to have program control over program segments from the server” as cited. The motivation for doing this is to maximize the system control over the viewer’s activities, number of times for access, and provides appropriate promotion video to right consumers and still keeping cost down in providing large quantities of programming nowadays (see Hendricks ‘585, col. 2/line 51 to col. 3/line 18).

As for claim 22, in view of claim 21, the combination of Hendricks ‘853 and Hendricks ‘585 teaches “wherein the limit on the number of times the user is authorized to have program control over the particular program segment from the server is determined *individually for the particular program segment*”, [i.e., a pay-per-view can be individually ordered after a preview as a same technique of granting program control individually over the particular program segment from the server (Hendricks ‘585, col. 49/lines 29-34)].

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rowe et al. (US. No. 2001/0003846 A1) disclose an encapsulated, streaming media automation and distribution system.

Lewis (US No. 2003/0010962 A1) discloses a system and management and on-demand rental and purchase of digital data product.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read "K. Bui", with a long horizontal flourish extending to the right.

Krista Bui
Art Unit 2611
October 16, 2003

KRISTA BUI
PATENT EXAMINER